

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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IN RE: Anthony R.T. Alfred

Chapter 13

**Case No.:
1-17-42286**

Debtor(s)

CHAPTER 13 PLAN

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1. The future earnings of the debtor(s) are submitted to the supervision and control of the trustee, and the debtor(s) shall pay to the trustee for a total of 60 months, the sum of: \$ 2,200.00 commencing June 5, 2017 through and including May 5, 2022 for a period of 60 months;
2. From the payments so received, the trustee shall make disbursements as follows:
 - (a) Full payment in deferred cash payments of all claims entitled to priority under 11 U.S.C. §507.
 - (b) Holders of allowed secured claims shall retain the liens securing such claims and shall be paid as follows:

Wells Fargo (mortgage holder) account number xxxxx2953 on the property located at 112-05 178th Place, St. Albans, NY 11433 to be paid pre-petition arrears in the sum of \$ TBD pending Loss Mitigation results plus TBD % interest over the life of the plan. The Debtor will pay the post-petition mortgage payments of \$1,900.00 directly to the Chapter 13 Trustee until such time as the Debtor(s) has entered into a trial loan modification under the Loss Mitigation Program.

Pennymac Loan Services (home equity loan holder) account number xxxxx4944 on the property located at 112-05 178th Place, St. Albans, NY 11433 to be paid pre-petition arrears in the sum of \$ TBD pending POND MOTION results plus TBD % interest to be relegated to general unsecured creditor status.

Citibank N/A (home equity loan holder) account number xxxxx2593 on the property located at 112-05 178th Place, St. Albans, NY 11433 to be paid pre-petition arrears in the sum of \$ TBD pending POND MOTION results plus TBD % interest to be relegated to general unsecured creditor status.

NYC Water Board (pending POC) to be paid pre-petition arrears in the sum of \$ 7,008.92 plus 9 % interest over the life of the plan.

3. Subsequent and/ or concurrently with distribution to secured, priority, and administrative creditors, dividends to **unsecured creditors** whose claims are duly allowed as follows: **PRO RATA distribution to all timely filed proofs of claim of not less than 2.61%(percent).**

4. The Debtor shall make all post-petition payments, including but not limited to mortgage payments, vehicle, payments, real estate taxes and income taxes, outside the plan.

Loss Mitigation/Loan Modification

5. Wells Fargo (First Mortgage lien holder on the property known as 112-05 178th Place, St. Albans, NY 11433, account number ending 2953) will be paid TBD pending loss mitigation of its pre-petition mortgage arrears in the sum of \$ TBD over the life of the plan. Said arrears are to be capitalized under the loan modification under the Court's Loss Mitigation Program as provided for the General Order 582 in the United States Bankruptcy Court for the Eastern District of New York. The Debtor(s) post-petition mortgage payments to Wells Fargo under a loss mitigation calculation with a principal balance of \$ 454,750 to be paid at 2% interest amortized over forty (40) years will amount to a principal payment of \$ 1,900, including interest. Additionally, the estimated combined monthly payment of principal & interest, together with escrow, totaling \$ 1,900 will be paid directly to the Chapter 13 Trustee until such time as the Debtor(s) has entered

into a trial loan modification under the Loss Mitigation Program. Contemporaneous with the commencement of a trial loan modification, the Debtor(s) will amend the Chapter 13 Plan and Schedule J of the Debtor(s) petition to reflect the terms of the trial agreement with Wells Fargo.

JUNIOR MORTGAGE LIENS TO BE AVOIDED

6. Pursuant to 11 U.S.C. §502, 506(a), 506(d), 1322(b)(2), 1325 (a) and 1328(f) the debtor intends to avoid a mortgage lien on the debtor's primary residence located at 112-05 178th Place, St. Albans, NY 11433 ("Property") held by Citibank N/A [Loan No.(Last four digits) 4944] [Claim No. _____ filed on TBD _____ in the amount of TBD]. The debtor(s) are eligible to receive a discharge in this case, and the debtor(s) filed a motion pursuant to Bankruptcy Rule 3012 to value the junior mortgage lien held by Citibank N/A, which was heard and determined by order dated TBD ("Rule 3012 Order"). In the Rule 3012 Order the Court found that the junior mortgage held by Citibank N/A is not secured by the Property because the amount of the senior mortgage(s) exceed the value of the Property, and the secured claim on the Property held by Citibank N/A shall be treated as a general unsecured creditor and paid in accordance with the terms of paragraph (c) above.

Upon entry of the Chapter 13 discharge, debtor(s) or debtor's counsel shall be entitled to present the Rule 3012 Order, in recordable form, to the County Clerk's office in order to cancel and discharge the aforementioned mortgage lien.

7. Pursuant to 11 U.S.C. §502, 506(a), 506(d), 1322(b)(2), 1325 (a) and 1328(f) the debtor intends to avoid a mortgage lien on the debtor's primary residence located at 112-05 178th Place, St. Albans, NY 11433 ("Property") held by Pennymac Loan Services [Loan No.(Last four digits) 2593] [Claim No. _____ filed on TBD _____ in the amount of TBD]. The debtor(s) are eligible to receive a discharge in this case, and the debtor(s) filed a motion pursuant to Bankruptcy Rule 3012 to value the junior mortgage lien held by Pennymac Loan Services, which was heard and determined by order dated TBD ("Rule 3012 Order"). In the Rule 3012 Order the Court found that the junior mortgage held by Pennymac Loan Services is not secured by the Property because the amount of the senior mortgage(s) exceed the value of the Property, and the secured claim on the Property held by Pennymac Loan Services shall be treated as a general unsecured creditor and paid in accordance with the terms of paragraph (c) above.

Upon entry of the Chapter 13 discharge, debtor(s) or debtor's counsel shall be entitled to present the Rule 3012 Order, in recordable form, to the County Clerk's office in order to cancel and discharge the aforementioned mortgage lien.

/s/ Anthony R.T. Alfred

Anthony R.T. Alfred

Debtor

Dated: May 5, 2017

/s/ Brian McCaffrey

Brian McCaffrey

Attorney for Debtor